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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,938	04/20/2005	Joseph Severini	19461-098350	8465

7590 05/28/2008

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EXAMINER	
LE, TAN	

ART UNIT	PAPER NUMBER
3632	

MAIL DATE	DELIVERY MODE
05/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/501,938	SEVERINI, JOSEPH	
	Examiner	Art Unit	
	Tan Le	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 January 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action is in reply to Applicant's amendment filed 1/28/08. Claims 1-14 are currently pending.

Applicant's amendment to specification, abstract and drawings filed 1/28/08 have been entered and approved.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,524,504 to Brandoli et al. in view of US Patent No. 5,286,076 to DeVoss et al.

Brandoli et al discloses a device for longitudinally adjusting vehicle seat comprising: a seat track assembly (Fig. 1) adapted to mount a seat to a floor of an automotive vehicle and provide selective forward and rearward adjustment of the seat relative to the floor among a plurality of seating positions, said seat track assembly comprising: an inner track (10) adapted to be fixedly secured to the floor of the vehicle and having a bearing surface (14) extending longitudinally along said inner track; an outer track (12) adapted to be fixedly secured to the seat and slidably coupled to said inner track to allow selective sliding adjustment of the seat relative to the floor of the vehicle, said outer track including a substantially arcuate bearing surface 22 extending longitudinally along said outer track and opposing said bearing surface; and a plurality

of cylindrical bearings 18 (col. 3, lines 18-22) positioned between said bearing surface of said inner track and said arcuate bearing surface of said outer track to accommodate torsional loading and movement of said outer track with respect to said inner track while facilitating said selective sliding adjustment of the seat relative to the floor.

Brandoli et al. discloses all of the limitations of the claimed invention except for the flattened bearing surface. DeVoss et al. teaches the inner track having a bearing surface, which is flattened bearing surface (30, 34 Fig. 4) extending longitudinally along the inner track for smooth sliding movement between outer track and inner via planar surfaces 64 of the bearing retainer body assembly 58 (see attached Figure 4.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a flattened bearing surface extending longitudinally along the inner track on Brandoli as taught by DeVoss et al. in order to allow more smooth sliding movement between the outer track and the inner track via the lower surface of the middle lower portion of the bearing assemblies.

As to claim 2, wherein said inner track includes two upright sides (see attached figure) and a cross member extending laterally there between to define a U-shaped channel, said sides each having a distal end opposite said cross member.

As to claim 3, wherein said inner track includes an outer edge extending substantially laterally outwardly from each of said distal ends of each of said sides.

As to claim 4, Brandoli's flattened bearing surface as modified is formed in said outer edge and extends longitudinally with respect to said inner track.

As to claim 5, wherein said inner track includes an outer wall extending substantially perpendicularly from each of said outer edges to define a flange (see attached figure).

As to claim 6, wherein said inner track includes a plurality of teeth (48) (col. 4, 7) formed along said outer wall, each of said plurality of teeth disposed longitudinally with respect to said inner track to define each of the plurality of seating positions.

As to claim 7, wherein said outer track includes two upright sides and a base (see attached) extending laterally between said sides to define a U-shaped cross section, said sides of said outer track each including a distal end.

As to claim 8, wherein said base of said outer track includes a concavity (see attached figure) formed therein, said concavity protruding toward said inner track to define said arcuate bearing surface opposing said flattened bearing surface.

As to claim 9, wherein said outer track includes a hook (50, 60) formed on each of distal ends of said sides of said outer track, said hook engaged with said flange of said inner track to prevent vertical separation of said outer track from said inner track.

As to claim 10, Brandoli also further discloses a spacer (25) extending over said hook between said outer tracks and said inner track for reducing rattle between said outer track and said inner track.

As to claim 11, Brandoli device also including a bearing guide (considers the convex surface of the outer track holding the bearing) for retaining
said plurality of bearings between said arcuate and flattened bearing surfaces.

As to claim 12, including a latch mechanism (44) (Fig. 4 or 5) operatively coupled to said outer track and lockingly engagable with said plurality of teeth (48) of said inner track to selectiveiy lock the seat in one of the plurality of seating positions.

As to claim 13, wherein said latch mechanism includes a latch plate (leaf spring) having a plurality of apertures for lockingly engaging said plurality of teeth to prevent sliding movement of said outer track relative to said inner track, said latch plate movably supported on said outer track for movement between a locked position, wherein said plurality of apertures are engaged with said plurality of teeth, and an unlocked position, wherein said plurality of apertures are disengaged with said plurality of teeth to allow sliding movement of said outer track relative to said lower track.

As to claim 14, the Brandoli device including a spring (60) (col. 4, lines 14-19) energized between said outer tracks and said latch plate for biasing said latch plate toward said locked position.

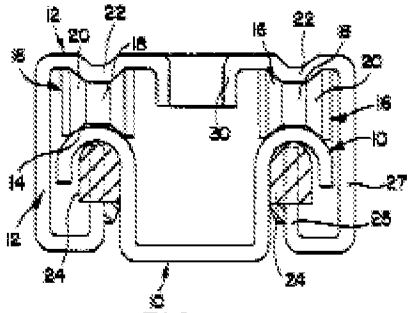

FIG. 1

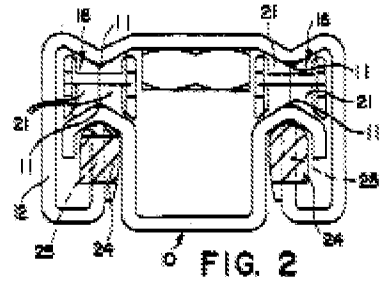

FIG. 2

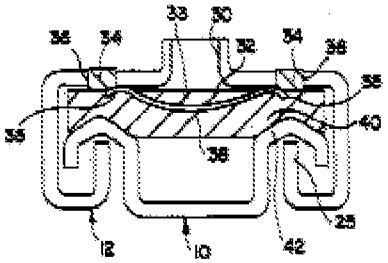

FIG. 3

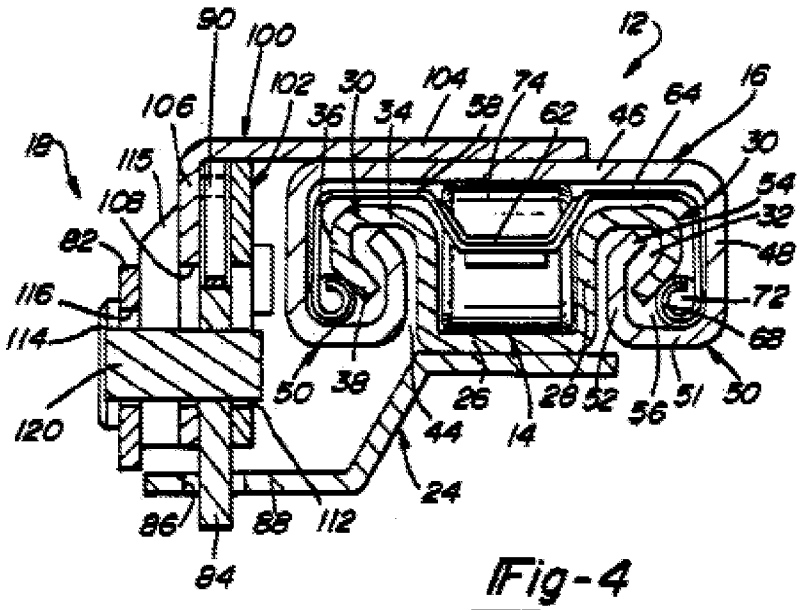

Fig-4

Response to Arguments

Applicant's arguments filed 1/28/08 have been fully considered but they are not persuasive.

With respect to Applicant's argument stating that "the horizontal segments 34 of the outwardly-bent flanges 30 on the lower track 14 in the '076 reference are not equivalent to the flattened bearing surfaces (37, 38) in the above-captioned application.

In fact, the horizontal segments 34 of the outwardly-bent flanges 30 on the lower track 14 are not bearing surfaces…" (Page 12, first paragraph). The examiner respectfully disagrees because of the following reasons: First the horizontal segment 34 of Devoss et al '076 is a flattened bearing surface because it facilitates a relative movement in the fore and aft directions between the upper track and lower track where a pair of retainers assembly are interposed between each set of interfitted upper rack and lower rack for enabling smooth sliding movement of upper track and lower track along a substantially horizontal plane 34 (col. 4, lines 15-19). Thus DeVoss et al ('074) teaches that a flattened or horizontal surface 34 is a flattened/horizontal bearing surface. Second, DeVoss et al '076 has been applied for their teaching of providing a flattened bearing surface. Brandoli et al. '504 is the primary reference, not a secondary reference and DeVoss et al ('076) has been applied to one skilled in the art would reasonably be expected to draw the teaching therefrom. In addition, there is no requirement for a secondary reference to meet every limitation of the claim before it can be utilized. A combination of references is proper for any reason taught by the prior art, not just applicant's reason. The rejection was based on the combination of Brandoli et al in view of DeVoss et al. Applicant cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. Accordingly, this action is made FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amy J. Sterling/
Primary Examiner, Art Unit 3632
5/21/08

/T. L./
Examiner, Art Unit 3632